IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16835 of 2004

Between:
D. Bhaskara Rao, S/o. Vijaya Rao,
A.B.M. High School, Markapur, Markapur Mandal, Prakasam District.
..... PETITIONER

AND

1 The State of Andhra Pradesh, rep by its Secretary to Government, School Education Department, Secretariat Hyderabad.
2 The Commissioner and Director of School Education, Saifabad, Hyderabad.
3 The District Educational Officer, Ongole, Prakasam District.
4 The Deputy Educational Officer, Markapur, Prakasam District.
5 The Secretary/Correspondent, A.B.M. High School, Markapur, Prakasam .. . . District.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents in not approving the absorption of the petitioner in the existing aided vacancy of P.E.T. in the 5th respondent school by extending the benefit granted to similarly situated persons as illegal, arbitrary and violative of principles of natural justice and also violative of Article 14, 16 and 21 of the constitution of India and consequently direct the respondents to approve the absorption of the petitioner in the existing aided vacancy of P.E.T. in the 5th respondent school wherein he has been working since 10-8-1998 with all consequential benefits.

Counsel for the Petitioner:MR.V.AJAYA KUMAR

Counsel for the Respondents1 to 4.: GP FOR EDUCATION

The Court at the admission stage made the following :

}

ORDER:

The petitioner is working as a Physical Education Teacher in the 5th respondent school. He was initially appointed as a P.E.T in an unaided post on 10-8-1998. Subsequently, the 3rd respondent through proceeding dated 19-11-1999 sanctioned one aided post of P.E.T in addition to the existing aided vacancy in the 5th respondent School. Therefore, the 5th respondent through its proceeding dated 25-11-1999 absorbed the petitioner into an aided post of P.E.T with effect from 25-11-1999 subject to the approval of the 3rd respondent. The petitioner contends that the 5th respondent sent a proposal to the 3rd respondent, but he has not furnished the date of the proposal or filed copy of the said proposal in the material papers.

The grievance of the petitioner is that the 3rd respondent approved the proposal made by the 5th respondent in respect of similarly placed candidates and his candidature was not approved.

The learned Government Pleader for School Education submitted that initially the appointment of the petitioner as un-aided P.E.T was not approved by the Competent Authority. Therefore, the absorption of the petitioner into an aided post itself is not legal.

These are the aspects to be considered by the 3rd respondent while passing order on the proposal, if any, made by the 5th respondent for approval of the absorption of the petitioner into an aided post.

In the light of the above circumstances, the 5th respondent is

directed to furnish a copy of the proposal said to be sent to the 3rd respondent to the petitioner and on receipt of such copy of the proposal, the petitioner shall submit his representation along with a copy of the proposal sent by the 5th respondent and the 3rd respondent, in the event of receipt of such representation along with the copy of the proposal, shall pass orders within two months from the date of receipt of representation from the petitioner.

The Writ Petition is disposed of. No order as to costs.

Dr.G.Yethirajulu,J

20th September, 2004.
KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The State of Andhra Pradesh, rep by its Secretary to Government, School Education Department, Secretariat Hyderabad.
2 The Commissioner and Director of School Education, Saifabad, Hyderabad.
3 The District Educational Officer, Ongole, Prakasam District.
4 The Deputy Educational Officer, Markapur, Prakasam District.
5 The Secretary/Correspondent, A.B.M. High School, Markapur, Prakasam .. . . District.
6. 2CCs to G.P. for Education, High Court Buildings, Hyderabad (OUT)
2.2CD copies

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

–
–
–
–
–
–
–
–
–
–
–

WRIT PETITION NO : 16835 of 2004

–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–
–

-

-

-

-

-

20th September, 2004.

-

-